

Article I. In General

23-1 Permits for construction of streets, curbs, etc., on property not located in improvement districts—Required.

No person shall construct, reconstruct or remove any sidewalk, curb, gutter, street surfacing or pavement, nor cause or contract the same to be done, without first obtaining a permit from the city engineer allowing and specifying the work to be done. No permit shall be granted for the doing of such work where the same is included as part of the improvements to be constructed under an established local improvement district. Within ten days after the completion of any sidewalk, gutter, curb, pavement or street surfacing in accordance with such permit, it shall be the duty of the person to whom such permit was issued to file such permit with the city engineer with a return thereon of the date of completion of the work, so that same may be inspected by the city engineer.

No contractor or other person engaged to do or perform any of the above work shall undertake the same until such contractor or person has determined whether the permit provided for in this section has first been obtained; and the contractor or other person so engaged to do such work shall endorse his signature on the permit before he commences work; and, no such work shall be done by the contractor until he has determined from the city engineer the exact specifications of the work, and all such work must be done in substantial compliance therewith. (Ord. No. 873, §§ 2, 3, 9-10-51; Ord. No. 1198, § 1, 3-13-72; Ord. No. 1715, § 1 (part), 5-17-93.)

23-2 Same—Fee.

No permit required by the preceding section shall be issued by the city engineer until the fee, as per UBC Table 3-A, has been paid to the city engineer for such permit. (Ord. No. 873, § 4, 9-10-51; Ord. No. 1083, § 1, 12-9-63; Ord. No. 1198, § 2, 3-13-72; Ord. No. 1715, § 1 (part), 5-17-93.)

23-3 Sports in streets.

No person shall use any sport or engage in any exercise in or in the vicinity of streets and alleys of the city of such a nature as is likely to scare horses, injure passengers or embarrass the passage of vehicles. (R.O. 1937, § 294.)

23-4 Removal of snow, etc., from sidewalk—Duty of owner, etc., of abutting property.

The owners, agents and occupants of any house, warehouse, store, tenement house or any other building, and the ground belonging thereto or occupied by them, and the owner and agent of any vacant lot within the city, shall keep the sidewalks, whether paved or not, in front of and adjoining such property, clean, and after any fall

of snow, shall cause the snow and all slush and ice to be immediately removed from the sidewalk fronting their respective lot into the carriageway of the street. (R.O. 1937, § 761.)

23-5 Same—City may remove; assessment of cost.

If snow, ice or accumulations from abutting property are not removed from sidewalks with reasonable dispatch by the owner or occupant of such abutting property, the same shall be removed by the city,

without notice to the property owners or other notice, and the expense of such removal shall be assessed on the property abut-

ting from the front of which such snow, ice or other accumulations shall be removed, and such expense shall be certified and collected as other taxes; provided, that nothing in this section shall be construed to relieve owners, occupants or other parties from any obligation or penalty in relation to keeping sidewalks free from accumulations of snow, ice, mud, waste and offensive material and removing same with reasonable dispatch, under any ordinance now in force or hereafter passed. (R.O. 1937, § 765.)

23-5.1 Depositing snow, etc., upon streets, etc.—Prohibited.

No person shall deposit, or cause to be deposited, any snow, slush or ice upon the public streets, alleys or sidewalks within the city; except that snow, slush or ice removed from the public sidewalk, and the area between the sidewalk and the street roadway may be deposited into the street roadway. (Ord. No. 1123, § 1.)

23-5.2 Same—Penalty and fine for violations.

Any person violating any provision of this section shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in an amount not to exceed one hundred dollars, to which may be added the costs of prosecution. (Ord. No. 1123, § 2.)

23-6 Planting trees between curb line and inner parkway.

Trees shall be planted midway between the curb line and inner park line at regular distances of eighteen feet apart, as near as may be. Any tree location interfering with an alley is to be left vacant. (R.O. 1937, § 633.)

23-10 Display of goods, etc., on street, sidewalk, etc.

No person shall place or suffer to be placed upon or over any sidewalk in the city, or suspend over or place or deposit in any street or sidewalk in the city, any goods, wares or merchandise for sale, show or otherwise, beyond the front line of the lot where such goods may be placed or suspended, except upon such special occasions as the city council may authorize by resolution. (R. O. 1937, § 292; Ord. No. 1136, § 1, 10-14-68.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-11 Excavations in streets, sidewalks, etc.

(a) Permit required. No person shall make or cause to be made any excavation or dig or cause to be dug any hole, drain or ditch in any street, sidewalk or alley or other public ground in the city or cause any materials to be placed thereon during any construction, demolition, alteration or repair without first having obtained written permission from the building official; provided, that any such permission shall

be granted only for temporary and necessary purposes; and, that the permit shall state when it expires.

(b) Protective devices required. Any person making any such excavation or digging any such drain or ditch or causing any such construction, demolition, alteration or repair or causing such work to be done under written permission of the building official or otherwise shall provide and maintain, during the night between dusk and daylight and at all times when no person is left on guard, a temporary fence, barricade or suitable obstruction around and in front of such work site, and shall place and keep at or near such place, between dusk and daylight, suitable safety flashers or other warning lights to serve as a warning and prevent persons, animals or vehicles from falling into such site; and such lights, barricades, fence or obstruction shall not, during the time such protective devices are required to be placed, be removed therefrom by anyone.

(c) Completion. As soon as possible after such excavation, hole, drain, ditch, construction, demolition, alteration or repair has served its intended purpose, such person making or causing to be made such excavation, drain, ditch, construction, demolition, alteration or repair shall replace such site in a proper and workmanlike manner; and such work shall be accomplished by the time of the expiration of the permit granted, as herein provided.

(d) Disposition of excavated material. In making excavations in streets or highways for the laying of service pipes or making repairs, the excavated material must be deposited in a manner that will occasion the least inconvenience to the public and provide for the passage of water along the gutters. (R. O. 1937, §§ 295, 551; Ord. No. 1278, § 1, 11-12-74.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-12 Removing sod, stone, earth, etc., from streets, etc.

No person shall dig, remove or carry away or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, alley or other public ground in the city; provided, however, that the right to do so may be granted by the superintendent of public works, in cases where no injury, public or private, is done thereby, and provided that this section is not intended to apply to public work done upon such places. (R. O. 1937, § 296.)

23-13 Moving buildings over streets, etc.

No person shall move any building or frame of any building into or upon or along any of the public streets, alleys or other public grounds or places, or cause the same to be upon any of such places, or otherwise to obstruct the free passage of the streets and public thoroughfares, without the written permission of the chief of police. Such permit shall state the streets or parts of streets, or alleys or parts thereof, in, through or upon which such building or part thereof may be moved, confining the obstruction to be caused to such streets or parts thereof, as to cause the least inconvenience to travel and to public convenience. No such building or frame of a building shall be left upon any of the public streets or alleys during the night, unless from dusk to daylight there is placed on or about such building or frame of building on all sides, a red light properly secured, to serve as a sign of danger; and, no person shall during such time remove any of such lights so placed. (R.O. 1937, § 298.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this

Code.

23-14 City to provide receptacles for deposit of trash, etc.; deposit of trash, etc., on streets, etc., prohibited.

It is hereby made the duty of the chief of police to place and maintain, at the expense of the city, wooden or metal receptacles at each street crossing on Main Street in the business portion of the city, in which all wastepaper, cigar stubs, banana peelings and all other waste and refuse matter found or being upon Main Street, and sidewalks along the same within the business portion of the city, may be deposited; and it is hereby made the duty of all persons to deposit all wastepaper, cigar stubs, banana peelings and other waste and refuse matter in their possession, while passing along the sidewalks or driving on Main Street in the business portion of the city. No person shall throw or deposit on the sidewalks along Main Street, or within any street in the fire limits of the city, any of such refuse matter, paper, banana peelings or cigar stubs; and it is hereby prohibited for anyone to throw any such banana peelings, cigar stubs or other refuse or waste matter upon any sidewalk in any part of the city. It is the duty of the chief of police of the city to see that the receptacles herein provided for shall not at any time become dangerous, offensive or obnoxious. (R.O. 1937, § 301.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-15 Piping installations in streets, alleys, etc.

All installing, replacing or repairing of any pipe line or conduit within the boundaries of any public street, alley or other public thoroughfare within the city shall be done under the supervision of the city engineer and in conformity with the following rules and regulations:

All excavations shall be held to a minimum width and particularly in paved areas. After the trenching is completed and the installation or repair has been made, the city engineer or building inspector shall be notified, and no backfilling shall be made until the building inspector or some other person designated by the city engineer is present.

The backfill shall be made from excavated material when same is not frozen. When such material is frozen it shall be removed from the site by the permittee and suitable material free from frozen material, shall be furnished. The material shall be placed in the trench or excavation in layers not to exceed six inches and each layer shall be thoroughly tamped by hand or mechanical tampers to the satisfaction of the inspector.

In paved areas the backfill shall be made up to the surface of the existing paving. Pavement will be replaced by city forces, for which service the permittee shall pay to the city the sum of six dollars per square foot for each square foot of pavement, regardless of type, replaced. No charge shall be made for surface replacement where the original surface was gravel; however, the permittee shall be required to make the top six inches of backfill out of road or street gravel.

The above charge of six dollars per square foot shall include the cost of inspection, and a minimum charge of six dollars shall be charged for inspections of backfilling openings in unpaved streets or alleys. (Ord. No. 963, § 4, 4-3-56; Ord. No. 1715, § 1 (part), 5-17-93.)

23-16 Depositing, etc., water on streets; pools of water on streets, etc.

No person shall cause a pool of water or cause any standing water to be in or upon any street, sidewalk, alley or other public ground, or throw, let flow or deposit any water in or upon the same so as to cause the same to be wet, muddy, slippery or otherwise dangerous or obnoxious; nor shall any person permit water to flow, run or trickle from any premises, buildings or grounds owned or occupied by him so as to cause any sidewalk, alley, street or other public ground or any part thereof to become wet, muddy, slippery or otherwise inconvenient, dangerous or obnoxious; provided, however, that this section shall not be construed to interfere with the proper extinguishment of fires, or the use of water in any manner in other cases of like necessity, nor with the proper irrigation of tree or park lines in the city. (R.O. 1937, § 303.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-17 Throwing material from roof.

It shall be unlawful for any person to throw gravel, tar, paper, shingles or other roofing materials from the roof of any building when the roof is being constructed or repaired, or at any other time, into any street, sidewalk, alley or other public ground in the city. (R.O. 1937, § 304.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-18 Signs, awnings, etc., over sidewalks, etc.—Permit—Required.

No person shall suspend or cause to be suspended any sign or obstruction whatsoever, in or over any portion of a street or alley other than the sidewalk, without first having obtained from the city a permit to do so. To obtain such permit, the applicant shall first submit in writing an application stating the place where such sign advertising or other obstruction will be erected, the plans and specifications therefor showing in detail the type of construction contemplated, the materials from which the same shall be constructed and the size and quality of the footings or base thereof, together with written evidence from the owner of the lands upon which such base or footings are to be erected, showing that proper lease conveyance or easement has been granted such applicant by the owner of such land. (Ord. No. 751, § 4, 10-23-39.)

23-19 Same—Same—Application; insurance.

Written application for the permit required by the preceding section, together with the detailed plans and specifications of the proposed sign shall be filed with the city clerk. Within five days thereafter the city clerk shall refer the same to the city engineer. If the city engineer is satisfied that the proposed sign, advertising or other obstruction is sound and safe he shall approve the same in writing, otherwise he shall reject the same until they shall satisfy his requirements. Upon approval by the city engineer, the applicant shall deposit with the city clerk policies of insurance in such amounts as may be required by the city council, written by insurance companies authorized to do business in the state, for public liability and property damage for the protection of the general public, which policies of insurance shall be at all times maintained in good standing during the time such sign, advertising or obstruction shall be suspended over such street or alley. (Ord. No. 751, § 5, 10-23-39.)

23-20 Same—Minimum clearance; not to obstruct passage of vehicles, etc.

No sign, awning or other obstruction shall be suspended from any building or in any other manner into or over any sidewalk, street or alley so as to obstruct in any manner the free passage of people or vehicles.

No awning, including the apron thereof, sign, obstruction or other material shall be suspended over any sidewalk so that the lowest portion thereof shall be less than six and one-half feet above such sidewalk. (Ord. No. 751, §§ 2, 3, 10-23-39.)

23-21 Same—Inspection by city engineer; repair and removal.

The city engineer, at such times as he or the city council shall deem advisable, shall make an inspection of any sign, advertising or other obstruction suspended over any street or alley and if, in his judgment, the same shall be unsafe or dangerous to persons or property he shall order the same repaired or removed. (Ord. No. 751, § 6, 10-23-39.)

23-22 Obstructing sidewalks, streets, etc.

No person shall erect, build, set up or maintain in whole or in part, any fence, sign, shop, post, building or obstruction whatsoever in or upon any street, avenue, alley, sidewalk or public ground within the city, except for such temporary or removable structures as shall be approved and permitted by an authorized official of the city. (Ord. No. 751, § 1, 10-23-39; Ord. No. 1292, § 1, 7-14-75.)

* For provisions specifically designating the violation of this section as a nuisance, see § 18-1 of this Code.

23-22.1 Excavations—Repairs—Penalty for violation.

No person, firm or corporation shall cut into, open up or make any excavation in or upon any street or alley within the city without having first made application to the city engineer, upon a form to be provided by the city, for authority therefor. Upon authority being granted by the city engineer and the same noted upon the application, the opening or excavation will be made with a minimum of damage to said street or alley and every reasonable precaution taken to insure public safety. Upon the completion of necessary work at said opening or excavation and upon closing the same, the city engineer shall be notified and said opening or excavation shall be filled, in accordance with the instructions and specifications of the city engineer. Any paving surface shall be replaced by the director of public works at the expense of the person making such opening or excavation in said streets or alleys at the rates provided in this section.

Upon any opening or excavation being made in any of the streets or alleys of the city, the repair and patching thereof by the director of public works shall be made according to the plans and specifications furnished by the city engineer and said repairs and patching shall, as closely as practicable, match in quality, appearance and material that of the existing street or alley. The person, firm or corporation making said opening or excavation shall be charged therefor as follows: two dollars and fifty cents per square foot for oil or road-mix type paving and four dollars per square foot for concrete or hot plant-mix type paving, said sums to be paid to the city engineer and by him turned over to the city treasurer

to be covered by him into the general fund;

Any person, firm or corporation failing to comply with the provisions of this section shall, upon conviction, be fined in any sum not exceeding one hundred dollars, together with the costs of prosecution. (Ord. No. 1502, §§ 1—3, 8-4-30.)